

# **Exhibit A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TESSA KNOX,

:

Plaintiff, :

-against-

:

17 Civ. 772 (GHW)

JOHN VARVATOS ENTERPRISES, INC., :

ECF Case

Defendant. :

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**NOTICE OF PENDENCY OF LAWSUIT**

**TO:** ALL CURRENT AND FORMER FEMALE SALES ASSOCIATES EMPLOYED BY  
JOHN VARVATOS ENTERPRISES AT ANY STORE AT ANY TIME SINCE FEBRUARY 1,  
2014

**RE: SEX DISCRIMINATION LAWSUIT**

**THIS IS A NOTICE AUTHORIZED BY THE UNITED STATES DISTRICT  
COURT IN THE SOUTHERN DISTRICT OF NEW YORK. PLEASE  
READ THIS NOTICE CAREFULLY.**

**INTRODUCTION**

The purpose of this document is to notify you of a collective action lawsuit, to advise you  
of your rights, and to inform you how to participate if you choose to do so.

**DESCRIPTION OF THE ACTION**

On February 1, 2017, Tessa Knox filed a lawsuit against John Varvatos Enterprises, Inc.  
("John Varvatos") on behalf of herself and all female sales associates John Varvatos employed at  
any store at any time since February 1, 2014.

This lawsuit alleges that John Varvatos' Clothing Allowance policy, which gives up to  
\$6,000 of free John Varvatos clothing annually to male sales associates, but not to female sales

associates, violates the Equal Pay Act, 29 U.S.C. § 206(d), because it unlawfully discriminates in wages on the basis of sex. The lawsuit seeks to recover the value of the Clothing Allowance (up to \$6,000 per year), liquidated damages (an additional amount equal to the value of the Clothing Allowance), and attorneys' fees and costs.

John Varvatos denies the allegations, and maintains that the Clothing Allowance policy is not a violation of the Equal Pay Act because the male sales associates have the additional job obligation of modeling the John Varvatos clothing.

### **PERSONS ELIGIBLE TO RECEIVE THIS NOTICE**

If you are a woman who: (1) is employed by John Varvatos as a sales associate at any of its stores in the United States, or (2) was employed by John Varvatos as a sales associate at any of its stores in the United States at any time since February 1, 2014, you are entitled to receive this notice.

### **YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT**

If you fit the definition above, you may join this lawsuit by mailing the attached "Plaintiff Consent Form" to the Clerk of Court for the Southern District of New York at the following address:

Clerk of Court  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 120  
New York, New York 10007

**THE "PLAINTIFF CONSENT FORM" MUST BE RECEIVED BY THE CLERK OF COURT ON OR BEFORE [INSERT 60 DAYS FROM DATE OF MAILING]. IF YOU DO NOT SIGN AND SEND THE CONSENT FORM TO THE CLERK OF COURT, YOU WILL NOT BE ABLE TO PARTICIPATE IN THIS CASE.**

### **EFFECT OF JOINING THIS LAWSUIT**

If you choose to join this lawsuit, you will be bound by any ruling, judgment, award or settlement on the Equal Pay Act claim, whether favorable or unfavorable. If you do not join this lawsuit, you will not be bound by any ruling, judgment, award, or settlement entered in this case, whether favorable or unfavorable. If you do not join this lawsuit, you are allowed to take action on your own.

### **STATUTE OF LIMITATIONS**

The Equal Pay Act has a maximum statute of limitations of three years. This means that if you choose to join this action, or choose to bring your own action, you may only be able to recover damages for up to three years before the date you file the “Plaintiff Consent Form.” If you choose not to join this lawsuit, or file your own lawsuit, some or all of your potential claims may later be barred by the applicable statute of limitations.

### **ARE YOU AN UNDOCUMENTED IMMIGRANT?**

You can participate in this lawsuit even if you are not a documented immigrant. You will not be questioned regarding your immigration status. You will not be required to provide copies of tax returns.

### **CAN YOU BE FIRED?**

Federal law protects you if you choose to join this lawsuit. Therefore, John Varvatos is prohibited from firing you, discriminating against you, or retaliating against you *in any other manner* because you choose to participate in this lawsuit.

### **YOUR LEGAL REPRESENTATION IF YOU JOIN**

Dunnegan & Scileppi LLC (“D&S”) represents plaintiff Tessa Knox in this case. That firm’s contact information is:

Dunnegan & Scileppi LLC  
350 Fifth Avenue, Suite 4908  
New York, New York 10118  
Tel: (212) 332-8300  
Fax: (212) 332-8301  
Email: rw@dunnegan.com

Hughes Hubbard & Reed LLP represents defendant John Varvatos in this case. That firm's contact information is:

Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, New York 10004  
Tel: (212) 837-6000  
Fax: (212) 422-4726

If you choose to join this case, you should not contact John Varvatos' attorneys.

D&S is being paid on a contingency fee and/or statutory basis which means that if there is no recovery, there will be no attorneys' fees. If there is a recovery, the attorneys may receive a part of any settlement obtained or money judgment entered in favor of all members of the class. If you wish to hire D&S, the specific terms and conditions of representation will be contained in a fee agreement entered into by the attorneys and you.

You have a right to consult with another attorney, or to hire another attorney to represent you. If you do so, any fee arrangement would need to be worked out between you and that attorney.

Further information about this Notice, the deadline for joining the lawsuit, or answers to other questions concerning this lawsuit may be obtained by contacting:

Dunnegan & Scileppi LLC  
350 Fifth Avenue, Suite 4908  
New York, New York 10118  
Tel: (212) 332-8300  
Fax: (212) 332-8301  
Email: rw@dunnegan.com

## **CONSENT TO JOIN**

### **Important:**

**This form must be completed and returned so that it is received by \_\_\_\_\_.**

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I hereby consent to join the lawsuit against John Varvatos Enterprises, Inc. (SDNY Case No. 17 Civ. 772), for violations under the Equal Pay Act, 29 U.S.C. § 206(d).

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Signature

Date

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Print Name

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Address (with apartment number if applicable)

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City, State, Zip Code

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Home Phone

Cell Phone

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E-Mail Address

**Mail to:      Clerk of Court  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 120  
New York, New York 10007**